MONTANA LEGISLATIVE HISTORY

Chapter 232 1953

Bill H _____ S 90 Original bill & history ✓ C

H. Committee on Banking & Insurance S. Committee on Banks & Banking

Hearing Date(s)		C	Hearing Date(s)		C
		C			C
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Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

No minutes for this bill.

SENATE BILL No. 90

INTRODUCED BY DOKKEN AND WORDEN

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE SALE OF PERSONAL PROPERTY OR SERVICES UNDER PREARRANGED FUNERAL PLANS; REQUIRING THE PROCEEDS THEREOF TO BE HELD IN TRUST FOR THE PURPOSES INTENDED; PROVIDING PENALTIES FOR VIOLATIONS, AND FIXING THE EFFECTIVE DATE OF THIS ACT."

Be It Enacted by the Legislative Assembly of the State of Montana:

Section 1. In all cases when, prior to his death, a person, or some one in his behalf, makes a contract for the final disposition of his body, under which contract, pursuant to a prearranged funeral plan, personal property will be delivered upon his death or the professional services of a funeral director or embalmer will then be furnished, all money paid under such contract shall be held in trust for the purpose for which it was paid until the obligation is fulfilled according to its terms or, by mutual consent of both parties to the contract, said money is refunded to the proper party. Accruals of interest upon this money are subject to this same trust.

Section 2. Within thirty (30) days after receipt the party to the contract holding said money in trust, according to Section 1, shall deposit said money in a banking institution, or invest said money in the stock of a savings or building and loan association, organized under the laws of the State of Montana or of the United States of America and having its principal place of business in the State of Montana, the deposits of which banking institution or the stock liability of which savings or building and loan association are insured by an instrumentality of the federal government. Said deposits or investments shall be and constitute a trust fund for the benefit of the person who has contracted for such property and services upon his death. Such money shall be deposited in a separate account in the name of the depositor as trustee for the person who has contracted for such property and services upon his death.

Section 3. Any banking institution, or savings or building and loan association, receiving money in trust under the provisions of Section 2 of this act, shall report to the superintendent of banks of the State of Montana, on or before the first day of Febru-

ray of each year, all amounts received and held in trust. This report shall show the name and address of each trustee and cestui que trust, the principal amount remaining and the interest or dividends paid on each such account.

Section 4. Any person wilfully violating the provisions of Section 2 of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punished as provided in Section 94-116, Revised Codes of Montana, 1947.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Senate Journal 1953

On motion of Senator Worden, duly seconded and carried, Orders of Business No. 9, 10, and 11 were passed.

On motion of Senator Worden, duly seconded and carried, the Senate recessed at 1:07 P. M., until 3:00 P. M., this day.

AFTERNOON SESSION

Pursuant to recess, the Senate resumed at 3:03 P. M.

President Gosman presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom were referred Senate Bills No. 59, No. 107, No. 126, No. 131 and No. 132, beg leave to report the same have this date been returned from the Printer correctly printed, except that in

Senate Bill No. 107, line 4 of the printed Bill, insert a comma between the words "building" and "derrick".

McQUITTY, Chairman.

Report adopted.

The Committee on Banks and Banking submitted the following report:

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 90, respectfully report as follows:

That Senate Bill No. 90 do pass.

McDONNELL, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

"February 5, 1953.

Mr. President:

I am directed by the House to inform your Honorable Body that the following House Bills were this day read third time and passed, title and history agreed to, and are hereby transmitted to the Senate for Concurrence:

H. B. No. 43, introduced by Reed.

H. B. No. 128, introduced by McElwain.

H. B. No. 137, introduced by Sagunsky, Sax, Beck.

H. B. No. 155, introduced by Committee on Fish and Game.

H. B. No. 158, introduced by Rimel (by request).

H. B. No. 164, introduced by McElwain and Armstrong (by request).

H. B. No. 219, introduced by Norby.

Sub. H. B. No. 12, introduced by Committee on Ways and Means.

Sub. H. B. No. 79, introduced by Military Affairs Committee.

Respectfully,
LEWIS R. KNOX,
Chief Clerk."

House Bill No. 302, introduced by Committee on Education: A bill for an act entitled: "An Act to Amend Section 75-4405, Revised Codes of Montana, 1947, Relating to Establishment of Junior College Upon Approval of Electors, to Provide for Discontinuance or Abolition of Junior Colleges." Referred to Committee on Education.

House Bill No. 303, introduced by Committee on Education: A bill for an act entitled: "An Act to Amend Section 75-1903, Revised Codes of Montana, 1947, Relating to the School Census, How Made and Liability for Failure or Neglect, to Provide for the Cost of Taking Such Census to be Paid in the Same Manner as Other Contingent Expenses are Paid." Referred to Committee on Education.

House Bill No. 312, introduced by Peters: A bill for an act entitled: "An Act Providing Drivers of Other Vehicles to Stop Until Children Alight From or Board a School Bus, and Providing a Penalty for Violation Thereof." Referred to Committee on Judiciary.

THIRD READING OF BILLS

Senate Bill No. 110, having been read at length three several times was passed by the following vote:

Ayes: Alley, Anderson (Pondera), Angstman, Balgord, Bovey, Brenner, Brewer, Bristow, Busch, Cotton, Dahl, Dokken, Donahoe, Ettien, Evans, Gardner, Grandey, Harken, Hatch, Hibbs, Hofland, James, Larson, Lott, Lindquist, McCabe, McDonnell, McKenna, Manning, Moritz, Moss, Nutter, Padbury, Rice, Robins, Robinson, Ross, Scofield, Spear, Taylor, Tibbals, Wallace, Wenger, Weydemeyer, Wilson, Winters, Working. Total 47.

Noes: Anderson (Chouteau), Worden. Total 2.

Absent: Mackay, Nesvig. Total 2.

Excused: Cole, Keller, McQuitty, Mahoney and Valiton. Total 5.

Senate Bill No. 90, having been read at length three several times was passed by the following vote:

Ayes: Alley, Anderson (Chouteau), Balgord, Bovey, Brenner, Brewer, Bristow, Busch, Cotton, Dahl, Dokken, Donahoe, Ettien, Evans, Gardner, Grandey, Harken, Hatch, Hibbs, Hofland, James, Larson, Lott, Lindquist, McCabe, McDonnell, McKenna, Manning, Moritz, Moss, Nesvig, Nutter, Padbury, Rice, Robins, Robinson, Ross, Scofield, Spear, Taylor, Tibbals, Wallace, Wenger, Weydemeyer, Wilson, Winters, Worden, Working. Total 48.

Noes: Angstman. Total 1.

Absent: Anderson (Pondera), Mackay. Total 2.

Excused: Cole, Keller, McQuitty, Mahoney, Valiton. Total 5.

Senate Bill No. 112, having been read at length three several times was passed by the following vote:

Ayes: Alley, Anderson (Chouteau), Angstman, Balgord, Bovey, Brenner, Brewer, Bristow, Busch, Cotton, Dahl, Dokken, Donahoe, Ettien, Evans, Gardner, Grandey, Harken, Hatch, Hibbs, Hofland, James, Larson, Lott, Lindquist, McCabe, McDonnell, McKenna, Manning, Moritz, Moss, Nesvig, Nutter, Padbury, Rice, Robins, Robinson, Ross, Scofield, Spear, Taylor, Tibbals, Wallace, Wenger, Weydemeyer, Wilson, Winters, Worden, Working. Total 49.

Noes: None.

Absent: Anderson (Pondera), Mackay. Total 2.

House Journ
1953

together with a copy thereof, signed by the Speaker of the House and President of the Senate, were this day, at the hour of 2:12 o'clock, p. m., delivered to the Governor for his approval.

REGAN, Acting Chairman.

Mr. Speaker: We, your Committee on Engrossing, beg leave to report the following bill correctly engrossed: House Bill No. 366.

HILGER, Vice-chairman.

Report adopted.

Mr. Speaker: We, your Committee on Banking and Insurance, having had under consideration Senate Bill No. 90, respectfully report as follows: That Senate Bill No. 90 be concurred in.

HAINES (Flathead), Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Institutions, having had under consideration Senate Bill No. 18, respectfully report as follows: That Senate Bill No. 18 be concurred in.

WILSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Institutions, having had under consideration Senate Bill No. 14, respectfully report as follows: That Senate Bill No. 14 be concurred in.

WILSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Institutions, having had under consideration Senate Bill No. 134, respectfully report as follows: That Senate Bill No. 134 be amended in the printed bill: in line one (1) of the title by adding the letter "S" to the word "Section" thereby making it plural, and by inserting after the figures "38-809" the following word and figures: "And 38-812", and as amended be concurred in.

WILSON, Chairman.

Report adopted.

Mr. Speaker: We, your Committee on State Boards and Institutions, having had under consideration Senate Bill No. 1, respectfully report as follows: That Senate Bill No. 1 be amended in Section 2, line 6 of the printed bill: insert after the word "compensation" and before the word "and" the following language: "be based on service rendered, or to be rendered";

to be further amended in Section 5, line 8 of the printed bill: strike the period after the word "parties", insert a comma in lieu thereof, and add the following language: "and at all times one member shall be a state employee in the classified service";

to be further amended in Section 5, line 13 of the printed bill: insert after the word "receive" the following words: "per diem of $10.00 and expenses as authorized and provided for by law";

to be further amended in Section 9, line 24 of the printed bill: strike the word "he" and insert in lieu thereof the following words: "the personnel commission";

to be further amended in Section 10, line 27 of the printed bill: strike the word "director" and insert in lieu thereof the following words: "personnel commission";

House Journal

Absent and not voting: Fry, MacDonald, Pierce, Powell, Rieder, Sagunsky, Schiltz, Sippel, Taylor. Total 9.

Excused: Anderson, Toole. Total 2.

Senate Bill No. 86 was concurred in by the following vote:

Ayes: Armstrong, Atkinson, Babcock, Barnard, Barrett, Beck, Bricker, Broeder, Brownfield, Cerovski, Clowes, Corcoran, Crist, Dempsey, Durkee, Dwyer, Fulton, Gebhardt, Gleed, Goffena, Goodwin, Graybill, Gunderson, Haines (Flathead), Haines (Prairie), Hancock, Hansen, Hanson, Hess, Hilger, Johnson (Granite), Juedeman, Leuthold, McAndrews, McElwain, Mahoney, Nixon, Norby, Nybo, O'Connor, Omholt, Parker, Peters, Pfohl, Pierce, Purdy, Reed, Regan, Rimel, Ringling, Sagunsky, Sales, Sax, Schiltz, Seifert, Smith, Steel, Sykes, Tobin (Silver Bow), Tobin (Lewis & Clark), Totten, VanDyke, Walton, Wetzsteon, Wiedman, Wilson, Wood, Mr. Speaker. Total 68.

Noes: Arnold, Cavanaugh, Emmons, Gershmel, Goodgame, Higgins, Hughes, Iten, Johnson (Silver Bow), MacDonald, McDonnell, Marsenich, Michels, Phillips, Powell, Tange, Watkins. Total 17.

Absent and not voting: Fry, Haines (Missoula), Hawks, Loughran, Rieder, Sippel, Taylor. Total 7.

Excused: Anderson, Toole. Total 2.

Senate Bill No. 87 was concurred in by the following vote:

Ayes: Armstrong, Atkinson, Babcock, Barnard, Barrett, Beck, Bricker, Broeder, Brownfield, Cerovski, Corcoran, Crist, Dempsey, Durkee, Dwyer, Gebhardt, Goodwin, Graybill, Gunderson, Haines (Flathead), Haines (Prairie), Haines (Missoula), Hancock, Hansen, Hanson, Hawks, Hess, Hilger, Hughes, Johnson (Granite), Juedeman, Leuthold, McAndrews, McElwain, Mahoney, Nixon, Norby, Nybo, O'Connor, Omholt, Parker, Peters, Pierce, Purdy, Reed, Regan, Rimel, Ringling, Sales, Sax, Schiltz, Seifert, Smith, Steel, Sykes, Tobin (Silver Bow), Tobin (Lewis & Clark), Totten, VanDyke, Walton, Watkins, Wetzsteon, Wiedman, Wilson, Wood, Mr. Speaker. Total 66.

Noes: Arnold, Cavanaugh, Clowes, Emmons, Gershmel, Goffena, Goodgame, Iten, Johnson (Silver Bow), McDonnell, Marsenich, Michels, Powell, Tange. Total 14.

Absent and not voting: Fry, Fulton, Gleed, Higgins, Loughran, MacDonald, Pfohl, Phillips, Rieder, Sagunsky, Sippel, Taylor. Total 12.

Excused: Anderson, Toole. Total 2.

Senate Bill No. 90 was concurred in by the following vote:

Ayes: Armstrong, Arnold, Atkinson, Babcock, Barnard, Barrett, Beck, Bricker, Broeder, Brownfield, Cavanaugh, Cerovski, Clowes, Corcoran, Crist, Durkee, Emmons, Fulton, Gebhardt, Gershmel, Gleed, Goffena, Goodgame, Goodwin, Graybill, Gunderson, Haines (Flathead), Haines (Prairie), Haines (Missoula), Hancock, Hansen, Hanson, Hawks, Hess, Hilger, Hughes, Iten, Johnson (Granite), Johnson (Silver Bow), Juedeman, Leuthold, McAndrews, McElwain, Mahoney, Marsenich, Michels, Nixon, Norby, O'Connor, Omholt, Parker, Peters, Pierce, Powell, Purdy, Reed, Regan, Rimel, Ringling, Sales, Sax, Schiltz, Seifert, Smith, Steel, Sykes, Tange, Tobin (Lewis & Clark), Totten, VanDyke, Walton, Watkins, Wetzsteon, Wiedman, Wilson, Wood, Mr. Speaker. Total 77.

Noes: Dwyer, Loughran, McDonnell, Tobin (Silver Bow). Total 4.

Absent and not voting: Dempsey, Fry, Higgins, MacDonald, Nybo, Pfohl, Phillips, Rieder, Sagunsky, Sippel, Taylor. Total 11.

Excused: Anderson, Toole. Total 2.

Senate Bill No. 126 was concurred in by the following vote:

Ayes: Armstrong, Arnold, Atkinson, Babcock, Barrett, Beck, Bricker, Brownfield, Cavanaugh, Cerovski, Clowes, Corcoran, Crist, Durkee, Dwyer, Emmons, Fulton, Gebhardt, Gershmel, Gleed, Goffena, Goodgame, Goodwin, Graybill, Gunderson, Haines (Flathead), Haines (Prairie), Haines (Missoula), Hancock, Hanson, Hawks, Hess, Hughes, Johnson (Granite), Johnson (Silver Bow), Juedeman, Leuthold, MacDonald, McAndrews, McDonnell, McElwain, Mahoney, Marsenich, Michels, Norby, O'Connor, Omholt, Parker, Peters, Pierce, Powell, Reed, Regan, Rimel, Ringling, Sales, Schiltz, Seifert, Smith, Steel, Sykes, Tange, Tobin (Silver Bow), Tobin (Lewis & Clark), Totten, VanDyke, Walton, Watkins, Wiedman, Wilson, Wood, Mr. Speaker. Total 72.

Noes: Hilger, Iten, Sax, Wetzsteon. Total 4.

Absent and not voting: Barnard, Broeder, Dempsey, Fry, Hansen, Higgins, Loughran, Nixon, Nybo, Pfohl, Phillips, Purdy, Rieder, Sagunsky, Sippel, Taylor. Total 16.

Excused: Anderson, Toole. Total 2.

Senate Bill No. 134 was concurred in by the following vote:

Ayes: Armstrong, Arnold, Atkinson, Barnard, Barrett, Beck, Bricker, Broeder, Brownfield, Cavanaugh, Cerovski, Clowes, Corcoran, Crist, Durkee, Dwyer, Emmons, Fulton, Gebhardt, Gershmel, Gleed, Goffena, Goodgame, Goodwin, Graybill, Gunderson, Haines (Flathead), Haines (Prairie), Haines (Missoula), Hancock, Hansen, Hanson, Hess, Higgins, Hilger, Hughes, Johnson (Granite), Johnson (Silver Bow), Juedeman, Leuthold, Loughran, MacDonald, McAndrews, McElwain, Mahoney, Marsenich, Michels, Norby, O'Connor, Omholt, Parker, Peters, Pierce, Powell, Purdy, Reed, Regan, Rimel, Ringling, Sales, Sax, Schiltz, Seifert, Smith, Steel, Sykes, Tange, Tobin (Silver Bow), Tobin (Lewis & Clark), Totten, VanDyke, Walton, Watkins, Wetzsteon, Wiedman, Wilson, Wood, Mr. Speaker. Total 78.

Noes: McDonnell. Total 1.

Absent and not voting: Babcock, Dempsey, Fry, Hawks, Iten, Nixon, Nybo, Pfohl, Phillips, Rieder, Sagunsky, Sippel, Taylor. Total 13.

Excused: Anderson, Toole. Total 2.

Senate Bill No. 157 was concurred in by the following vote:

Ayes: Armstrong, Arnold, Atkinson, Babcock, Barrett, Beck, Bricker, Broeder, Brownfield, Corcoran, Crist, Durkee, Gebhardt, Gershmel, Goffena, Graybill, Haines (Flathead), Haines (Prairie), Haines (Missoula), Hancock, Hansen, Hanson, Hawks, Hilger, Iten, Johnson (Granite), Juedeman, Leuthold, MacDonald, McElwain, Nixon, Norby, O'Connor, Peters, Pierce, Reed, Rimel, Sax, Schiltz, Seifert, Smith, Steel, Sykes, Tange, Tobin (Lewis & Clark), VanDyke, Walton, Wetzsteon, Wilson, Mr. Speaker. Total 50.

Noes: Barnard, Cavanaugh, Cerovski, Clowes, Dempsey, Dwyer, Emmons, Gleed, Goodgame, Goodwin, Gunderson, Hess, Higgins, Hughes, Johnson (Silver Bow), Loughran, McAndrews, McDonnell, Mahoney, Marsenich, Michels, Omholt, Parker, Powell, Purdy, Regan, Ringling, Sales, Tobin (Silver Bow), Totten, Watkins, Wood. Total 32.

percent (3½%) not to exceed an annual expenditure of sixty-five thousand dollars ($65,000.00) of the above mentioned administrative fund; provided, however, that said expenditures for the dissemination of public information shall terminate June 30, 1955."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1953.

CHAPTER 232 SB90 L. 1953

An Act Relating to the Sale of Personal Property or Services Under Prearranged Funeral Plans; Requiring the Proceeds Thereof to be Held in Trust for the Purposes Intended; Providing Penalties for Violations, and Fixing the Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Prearranged funeral plans — money paid to be held in trust.

Section 1. In all cases when, prior to his death, a person, or someone in his behalf, makes a contract for the final disposition of his body, under which contract, pursuant to a prearranged funeral plan, personal property will be delivered upon his death or the professional services of a funeral director or embalmer will then be furnished, all money paid under such contract shall be held in trust for the purpose for which it was paid until the obligation is fulfilled according to its terms or, by mutual consent of both parties to the contract, said money is refunded to the proper party. Accruals of interest upon this money are subject to this same trust.

Deposit or investment of money received by contracting party.

Section 2. Within thirty (30) days after receipt the party to the contract holding said money in trust, according to section 1, shall deposit said money in a banking institution, or invest said money in the stock of a savings or building and loan association, organized under the laws of the State of Montana or of the United States of America and having its principal place of business in the State of Montana, the deposits of which banking institution or the stock liability of which savings or building and loan association are insured by an instrumentality of the federal government. Said deposits or investments shall be and constitute a trust fund for the benefit of the person who has contracted for such property and services upon his death. Such money shall be deposited in a separate account in the name of the depositor as trustee for the person who has contracted for such property and services upon his death.

Investments as trust fund.

Trustees to report to supt. of banks.

Section 3. Any banking institution, or savings or building and loan association, receiving money in trust under the provisions of section 2 of this act, shall report to the superintendent of banks of the State of Montana, on or before the first day of February of each year, all amounts received and held in trust. This report shall show the name and address of each trustee and cestui que trust, the principal amount remaining and the interest or dividends paid on each such account.

Penalty.

Section 4. Any person wilfully violating the provisions of section 2 of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punished as provided in Section 94-116, Revised Codes of Montana, 1947.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1953.

CHAPTER 233

An Act to Amend Section 75-1632, Revised Codes of Montana, 1947, as Amended in Chapter 207 Subsection 2, Session Laws of 1951, Relating to Duties of Trustees to Provide for a System of Bookkeeping and Auditing of Extra Curricular Funds; Providing That Such System be Recommended by the State Bank Examiner and Providing Such Audit be Made by a Qualified Accountant or by the State Bank Examiner; Providing for Filing of Such Audit With the County Superintendent of Schools; and Providing for the Publication of Said Audit and Payment for Publication From Such Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 75-1632, of the Revised Codes of Montana, 1947, *as amended in chapter 207 subsection 2,*